

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN EDISON,

Plaintiff,

Case No. 23-cv-11741

Hon. Judith E. Levy

v.

NORTHVILLE TOWNSHIP, a municipal corporation,
POLICE OFFICER BEN SELLENRAAD, in his
professional and individual capacities, FADIE JAMIL KADAF,
and JEAHAD KADAF,

Defendants.

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**DEFENDANTS NORTHVILLE TOWNSHIP AND POLICE OFFICER BEN
SELLENRAAD'S FIRST AMENDED AFFIRMATIVE DEFENSES AND
NOTICE OF WITHDRAWAL OF CERTAIN AFFIRMATIVE DEFENSES**

NOW COME Defendants NORTHVILLE TOWNSHIP (“the Township”) and
POLICE OFFICER BEN SELLENRAAD (“Sellenraad”) (collectively, “the
Northville Defendants”), through counsel, CUMMINGS, MCCLOREY, DAVIS &
ACHO, P.L.C., by JAMES R. ACHO, and, for their First Amended Affirmative

Defenses and Notice of Withdrawal of Certain Affirmative Defenses, state as follows:

1. Plaintiff's claims against Sellenraad are barred by the doctrine of privilege as provided to police officers under the laws of the State of Michigan and the United States Constitution.
2. Plaintiff's state law claims are barred by governmental immunity, as codified by Mich. Comp. Law. § 691.1407(2).
3. Plaintiff's Complaint fails to state any cognizable claim or cause of action upon which relief can be granted against the Northville Defendants.
4. As Sellenraad did not violate any of Plaintiff's federal rights, Sellenraad has qualified immunity against any claim brought under § 1983.
5. To the extent that Plaintiff's Complaint asserts a state-law claim, the Northville Defendants are entitled to governmental immunity under Michigan law.
6. Any injuries or damages alleged by Plaintiff were caused solely, or in part, by his own acts or omissions, not through the conduct of either the Township or Sellenraad, such that any recovery would be reduced by his comparative fault.

Defendants Northville Township and Sellenraad reserve the right to amend or supplement these Affirmative Defenses as the factual bases for doing so are revealed through discovery or otherwise.

Respectfully submitted:

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

/s/ James R. Acho

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Date: November 21, 2023

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record; and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: **N/A**

s/ James R. Acho